

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

2 MARK L. KROTOSKI (CSBN 138549)
3 Chief, Criminal Division

4 150 Almaden Avenue, Suite 900
San Jose, California 95113
5 Telephone: (408) 535-5035
6 FAX: (408) 535-5081
E-Mail: Mark. Krotoski@usdoj.gov

7 Attorneys for Plaintiff

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

E-FILED - 6/19/06

12 UNITED STATES OF AMERICA,)	No. CR 06-00054-RMW
13)	
14 Plaintiff,)	ORDER AFTER HEARING
15 v.)	EXCLUDING TIME UNDER THE
16 JOSE SOLER,)	SPEEDY TRIAL ACT
17 a/k/a antboogie,)	
18 a/k/a Jas125,)	
19 Defendants.)	

20 It is hereby stipulated and agreed between defendant Jose Soler, and his counsel Carleen
21 R. Arlidge, and the United States as follows:

22 This matter was set for a status conference on June 12, 2006 at 9:00 a.m. In this copyright
23 infringement case, the defense needs more time to prepare, review discovery previously
24 provided, including a substantial amount of digital evidence, and research legal and sentencing
25 issues. The parties have been discussing plea and sentencing issues. Defense counsel was only
26 recently substituted into this case on May 8, 2006. It is reasonable for the defense to have
27 additional time to review the discovery, which includes some digital evidence.

28 The parties stipulate and move the Court to exclude time under the Speedy Trial Act from the
June 12, 2006 , until June 19, 2006, because the parties believe that the ends of justice served by

1 the granting of such a continuance outweigh the best interests of the public and the defendant in a
2 speedy trial, particularly since reasonable time is needed for the defense to prepare for pretrial
3 and trial matters, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii). The parties further
4 stipulate that time may be excluded for reasonable time for defense preparation, since the failure
5 to exclude time would deny counsel for the defendant reasonable time necessary for effective
6 preparation, taking into account the exercise of due diligence, pursuant to 18 U.S.C. §§
7 3161(h)(8)(A), 3161(h)(8)(B)(iv).

8 So stipulated.

9 Dated: May __, 2006

KEVIN V. RYAN
United States Attorney

11
12 MARK L. KROTOSKI
Assistant United States Attorney

13 So stipulated.

14 Dated: May __, 2006

15
16 CARLEEN R. ARLIDGE
Attorney for Defendant Siloac

ORDER

Based upon the foregoing Stipulation and good cause appearing therefor,

IT IS HEREBY ORDERED that the status conference set for June 12, 2006 at 9:00 a.m. for defendant Jose Soler shall be continued to June 19, 2006 at 9:00 a.m.

IT IS FURTHER ORDERED that the time between June 12, 2006 , until June 19, 2006 shall be excluded from the computation period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation.. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial under 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii) (complexity), 3161(h)(8)(B)(iv) (reasonable time necessary for effective preparation taking into account the exercise of due diligence).

DATED: June 19, 2006

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

1 Distribute to:

2 Carleen R. Arlidge
3 111 W St John Street, Suite 555
4 San Jose, CA 95113
5 FAX

6 Mark L. Krotoski
7 AUSA
8 150 Almaden Boulevard, Suite 900
9 San Jose, CA 95113
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28